

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TROY D. NEWTON,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NUMBER
)	2:05-CV-1126-W
NATIONAL WARRANTY OF)	
FLORIDA, INC.; et al.,)	
)	
Defendants.)	

PLAINTIFF'S RESPONSE TO THE MOTIONS TO DISMISS
FILED BY (a) CHRISTOPHER A. CHISAM AND (b)
RONALD J. BECKER & CENTRO INSPECTION AGENCY

Comes now Troy D. Newton and offers this response to the separate motions to dismiss filed by (a) Christopher A. Chisam and (b) Ronald J. Becker and Centro Inspection Agency.

On November 23, 2005, all the defendants in the above-styled jointly filed a notice of removal. Therefore, plaintiff certainly had until December 23, 2005, to file any motion to remand. 28 U.S.C. § 1447(c). The filing of a motion to remand would have mandated the deferral of any consideration of these motions to dismiss until after a resolution of the issue of whether this Court had any subject-matter jurisdiction. Plaintiff has now decided not to seek a remand.

In the process of making the decision as to whether to file a motion to remand, plaintiff's counsel reviewed these motions to dismiss and concluded that, presently, it would be appropriate to voluntarily abandon prosecution of claims against Christopher A. Chisam, Ronald J. Becker, and Centro Inspection Agency. Plaintiff does not oppose granting these three defendants a dismissal without prejudice.

Therefore, plaintiff asks this Court to enter the requested dismissal without prejudice.

Respectfully submitted,

s/ Jeffrey C. Kirby
Of Counsel for Plaintiff
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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of December, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which

will send notification of such filing to the following: Anthony Cameron Harlow,
George Matthew Keenan, Warren Michael Atchison, Starnes & Atchison.

s/ Jeffrey C. Kirby
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